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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**
17

18 IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
19 LITIGATION

20 _____
21 This Document Relates to:
22 ALL ACTIONS

Case No. 3:23-MD-3084-CRB

**DECLARATION OF CAITLIN E.
GRUSAUSKAS IN SUPPORT OF
DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC’S PROPOSED ESI PROTOCOL**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

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DECLARATION OF CAITLIN E. GRUSAUSKAS

I, Caitlin E. Grusauskas, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I respectfully submit this declaration in support of Uber’s Proposed ESI Protocol. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

Negotiations and Background re: JCCP Action

2. As part of the proceedings in *In re Uber Rideshare Cases*, Case No. CJC-21-005188 (S.F. Super. Ct.) (hereinafter, the “JCCP Action”), Uber has been negotiating an ESI protocol with the JCCP plaintiffs over the past two years. These negotiations involved several meet and confers, consultations with vendors and e-discovery experts, and conferences before the JCCP Court.

3. As part of the proceedings in the JCCP Action, to my estimation there have been at least eight conferences before the JCCP Court where the ESI protocol was discussed, including conferences on September 18, 2023 and December 7, 2023, both of which involved nearly an hour of discussion related to the ESI protocol, to the best of my recollection.

4. As part of discovery in the JCCP Action, Uber has collected nearly 21 million Gmail and Gchat documents from 46 proposed custodians. This does not account for other potential sources of responsive documents, such as Google Drive, which are expected to add in millions of additional documents.

5. Application of the JCCP plaintiffs’ requested search terms to the corpus of nearly 21 million documents for those 46 proposed custodians reduced the corpus to a potential review set of 3.5 million documents (after deduplication).

6. In connection with the JCCP plaintiffs’ proposal that Uber use a software program called Forensic Email Collector (“FEC”) developed by a company called Metaspikes, Uber’s counsel spoke directly with Metaspikes. On information and belief, Metaspikes confirmed to Uber’s counsel that its FEC software program cannot access items stored in the document retention and archiving system, Google Vault, which Uber uses for Google Workspace data.

18. On February 12, 2024, I participated in a call with representatives from Google who confirmed Uber's understanding that there is no automated scalable process that would enable collection of historic "versions" of hyperlinked Google Drive documents linked in Gmails.

Executed on February 12, 2024, in Brooklyn, New York.

DECLARATION OF CAITLIN E. GRUSAUSKAS IN SUPPORT OF
DEFENDANTS' PROPOSED ESI PROTOCOL